

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MICHAEL SHANE VAULTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:17-CV-269-PLR-DCP
	)	
EVINCO PROFESSIONAL SERVICES, INC.,	)	
APEX CONTRACTING & MAINTENANCE,	)	
LLC, and CHARLES B. SMITH, and JAMES	)	
CURTIS MAYNARD,	)	
	)	
Defendants.	)	

**ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

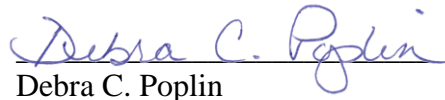
Now before the Court is Plaintiff's Motion for Leave to File Second Amended Complaint [Doc. 23]. Specifically, Plaintiff states that the original Complaint alleged retaliation pursuant to the Fair Labor Standards Act ("FLSA"). Plaintiff states that the original Complaint also described the facts giving rise to Plaintiff's claims, including specific citations to the statutory sections that Defendants allegedly violated. Plaintiff claims that in light of Defendant Charles Smith's deposition, a Second Amended Complaint is necessary to clarify the extent of Defendant Apex Contracting & Maintenance, LLC's and Defendant Smith's retaliatory behavior. Plaintiff filed his proposed Second Amended Complaint [Doc. 24-1] with his Motion in accordance with Local Rule 15.1.

The Court finds that no party has responded in opposition to the Motion, and the time for doing so has expired. *See* E.D. Tenn. L.R. 7.2 ("Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought."). In addition, the Court finds that Plaintiff's Motion

is supported by good cause, *see* Fed. R. Civ. P. 15, and it complies with the Rules of this Court, *see* E.D. Tenn. L.R. 15.1. Finally, the Court finds Plaintiff's Motion timely pursuant to the Scheduling Order in this case. *See* [Doc. 10 at 5] ("At least one hundred and fifty (150) days before trial all motions for leave to amend the pleadings and add parties must be filed."). Accordingly, Plaintiff's Motion for Leave to File Second Amended Complaint [**Doc. 23**] is **GRANTED**. Plaintiff **SHALL FILE** his Second Amended Complaint [Doc. 24-1] as his operative pleading in CM/ECF on or before **July 24, 2018**.

**IT IS SO ORDERED.**

ENTER:



Debra C. Poplin  
United States Magistrate Judge